

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of _____)
Implementation of Section 621(a)(1) of _____)
the Cable Communications Policy Act of 1984 _____) MB Docket No. 05-
311
as amended by the Cable Television Consumer _____)
Protection and Competition Act of 1992 _____)

COMMENTS OF ACCESS SACRAMENTO

These Comments are filed by ACCESS SACRAMENTO in support of the comments filed by the Alliance for Community Media (“Alliance”), the Alliance for Communications Democracy, the National Association of Telecommunications Officers and Advisors (“NATOA”), and other national local government organizations. Like the Alliance, ACCESS SACRAMENTO believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the benefits of cable franchising and the Public, Educational, and Government Access (“PEG”) services in our community.

Cable Franchising in Our Community

Community Information

SACRAMENTO COUNTY is a county wide franchise with a population of 1.3 million. Our franchised cable providers are (a) Comcast, (b) Surewest, and (c) Strategic Frontiers. Our community has negotiated cable franchises since 1985.

Our Current Franchise

Our current franchise began on 1985 and expires on 2023.

Our franchise requires the cable operator to pay a franchise fee to the joint powers administration known as the Sacramento Metropolitan Cable Television

Commission in the amount of 5% of the cable operator's gross revenues. The revenues for franchise fee purposes are calculated based on the gross revenues of the operator, in accordance with the Federal Cable Act.

Our franchise requires the cable operator to provide the following capacity for public, educational, and/or governmental ("PEG") access channels on the cable system. We currently have three (3) channels devoted to public access; two (2) channels devoted to educational access; and one (1) channels devoted to government access.

Public Access Channels 17 and 18 are managed by the 501(c)3 NPO Access Sacramento (Acc/Sac). Channel 19 is managed by the Religious Coalition for Cable Television (RCCTV) as a religious channel for faith based programmers. The Sacramento Educational Cable Consortium (SECC) manages channels 15 and 16 on behalf of all public education (K-College) located in Sacramento County. Metro Cable channel 14 (Metro 14) is the government access channel managed by the Sacramento Metropolitan Cable Television Commission (SMCTC). KVIE (PBS) manages a cable channel 7. Therefore the total community channels provided by the cable franchise total seven channels (channels 7, 14, 15, 16, 17, 18, 19)

Our franchise requires that our PEG channels be supported in the following ways by the cable operator: In the initial build of the cable system and the PEG channels, equipment was purchased by the cable company for all of the providers listed above. However, once operational, operating and personnel expenses have been paid for our of the 5% franchise revenue in the form of annual grants from SMCTC to each of the PEG organizations (with the exception of RCCTV who receives no government funding due to the religious nature of their organization).

Our franchise allows for no capital support for PEG Access and other public interest services beyond the 5% franchise collected and distributed by local government. However, the SECC has received a broadband network from the combined cable companies provided high speed internet access to all school sites throughout the County.

Our franchise does not contain language mandating an institutional network ("I-Net"). The original franchise agreement had such language but the I-Net was lost in a court settlement in 1987. However, as noted in the paragraph above, SECC has successfully negotiated a broadband network to serve all schools. This was a settlement agreement struck to address a cable obligation to provide five additional cable channels at some time in the future. The compromise was a network instead of the additional channels.

Our franchise contains the following requirements regarding emergency alerts. If an emergency is declared, a tone is sounded and text messages delivered

on all the community cable channels by the disaster agencies involved. This includes missing children “Amber” alerts. These emergency alert requirements provide an important avenue of communication with our residents in the event of an emergency. This has been particularly helpful during flood season, helping to inform citizens of pending dangerous storms, evacuation notices, and weakened levees.

PEG Access Services

The Sacramento Community Cable Foundation d.b.a. Access Sacramento has provided access services in our community for 21 years. The number of access channels we operate is two (2) channels 17 and 18. In our most recently completed fiscal year, Access Sacramento provided 9,404 hours of new original local programming to the cable subscribers. The community used our equipment and facility 2,250 times for 7,450 hours of use. Below are the highlights of our services to the community.

- Video bulletin board with text and graphics for community announcements. Carries hundreds of messages from NPO groups and information about our services. Seen on our channel 18 6-8 hours per day.
- Coverage of community events include the following:

“Hometown TV” ...

- **Carmichael...** Founders Day Celebration (Carmichael Chamber)
- **Oak Park...** Summer Concert Series
- **Elk Grove...** “Friday Night Live” 20th Anniversary of “On Air”
- **2005 State Fair...** CA.Arts Council, “Arts Day with the Poets Laureate”
- **Folsom...** Celtic Dancing A Hospital Heli-pad Fundraising Event
- **Del Paso Heights...** “Alters” Art Show and Demonstration Workshops
- **East Sacramento...** “Octoberfest at the Turn Verein”
- **Cal Expo...** “Perspectives 2005” Metro Chamber of Commerce
- **Crest Theater...** “Place Called Sacramento” Festival of Cinema
- **Radisson Hotel...** APAPA Debates the Special Election Initiatives
- **Elmhurst Neighborhood...** Town Hall Discussion, “The Local Cost of War”
- **Coloma Community Center...** “Hurricane Relief: Expressions of Support”
- **Citrus Heights...** teen bands “25th Annual Skip’s Stairway to Stardom”
- **Sacramento State...** Hellenic Foundation Honors Dignitaries from Greece
- **Greenhaven...** Mayor’s Emergency Preparedness Workshop
- **SSU Stadium...** “Hogs vs. Dogs” 32nd Annual Pig Bowl (Fire vs. Police)

- Community-produced television programming for special interests highlight the ethnic diversity of Sacramento County. Approximately 25% of all our local programming is in languages other than English.
- Staff-produced television programming on topics of interest to the local community include the weekly “Livewire” 30 minute program. Produced weekly since 1992, it features the people, places, and events that make Sacramento County such a wonderful place to live.
- Dedicated channel capacity specifically for non-profit organizations to air locally-produced programming include the bulk of “Community Use Channel 17”, programs entirely scheduled by the Board of Access Sacramento with a high priority on local programs produced in the County.
- Dedicated channel capacity specifically for religious organizations to air locally-produced programming includes the public access channel 18 and a dedicated channel (19) run by the churches themselves. Locally, approximately 10-15 hours of faith based programming is run daily.
- Live, interactive programs are scheduled weekly, usually 3-5 hours total per week. They feature attorneys, teens, psychics, educators, and other local leaders.
- Grants to produce community programming include educational stipends to attract local college interns to help with of community volunteers.
- Media literacy and production training for neighborhood based community organizations and individuals was successful in attracting more than 1,000 local residents during 2005.
- Video production courses include workshops in studio, digital portable production, non-linear vide editing, community radio and more.
- Video production facilities including a 30’X30’ four camera studio, seven complete field production digital camera kits, five non-linear video editing computers and three tape-to-tape edit suites, our “studio-in-a-suitcase” remote production unit and a 22’ four camera remote van.
- Support to local schools, enhancing learning opportunities for students includes direct training to Sacramento Charter High School students and interns from local colleges including Sacramento State University and Cosumnes River College. At CRC our remote truck is a regular part of their advanced TV production curriculum.

- Satellite program reception and redistribution permits us to show daily newscasts from New York, Democracy Now! With Amy Goodman (Direct-TV satellite) and DW-TV from Berlin delivered every other hour via C-band satellite.
- Local political coverage, candidate platform statements and candidate debates during campaign season are seen on Metro 14 and channels 17 and 18. Most are sponsored by the League of Women Voters or Sacramento State University.
- Distance learning: Programming delivered to public and private institutions, facilitating distribution of for-credit instruction fill four channels during the weekdays (15, 16, 17, 18) from Sacramento State University, Cosumnes River College, Sacramento City College, and San Juan High School.
- 24 hour, seven day per week community radio carried over the cable system and “underneath” the video channels on the SAP.
- Gavel-to-gavel coverage of educational governance proceedings on Metro 14 include weekly City Council session (most live) from Citrus Heights, Elk Grove, Rancho Cordova, Folsom, Galt and Sacramento. Also County Supervisor sessions and weekly meetings of the Sacramento City Unified School Board.
- "E-School": Programming delivered to the home via video, e-mail, and web-based content are handled daily by the Sacramento Educational Consortium now expanding to utilize their “BestNet” Broadband Network supplied by the cable companies.
- Internet access at public sites includes the Access Sacramento Media Lab with 20 PC’s for public individual and group training purposes.
- Computer literacy training for youth and families is due to our partnership with the MacNexus (Apple) Users Group and the Girl Scouts. Several hundred adults and teens are trained every year.
- Unique non-local programming available via satellite feed includes SCOLA, Classic Arts, and NASA on channels 15 and 16, PBS alternative programming on channel 7, DW-TV on channel 18 and six different religious satellite delivered program blocks on channel 19.
- Gavel-to-gavel coverage of state legislative sessions, hearings, and other select proceedings is paid for by the cable industry and carried statewide on the California Channel.

- Election night coverage includes direct stats from the Secretary of States Office carried as text messages on channel 14.

The Franchising Process

Sacramento County franchising welcomes competing cable and phone company efforts with a simple application and review process. Under the law, a cable franchise functions as a contract between the local government (operating as the local franchising authority) and the cable operator. Like other contracts, its terms are negotiated. Under the Federal Cable Act it is the statutory obligation of the local government to determine the community's cable-related needs and interests and to ensure that these are addressed in the franchising process – to the extent that is economically feasible. However derived (whether requested by the local government or offered by the cable operator), once the franchise is approved by both parties the provisions in the franchise agreement function as contractual obligations upon both parties.

Competitive Cable Systems

Our community welcomes competition and has streamlined the process quite successfully. Sacramento County. Since 1987 we have:

- has actively sought out competitive providers.
- Granted competitive franchises to Surewest and Strategic Frontier, cable overbuilders, in 2001 and these providers are providing service in Sacramento County today.
- In 1987 local government was sued by an incumbent provider when considering a grant of a competitive franchise. The settlement agreement opened the community up to competitive services ever since.
- SMCTC does have mechanisms in place to offer the same or a comparable franchise to a competitor upon request.
- When Surewest wanted a franchise, the entire process took less than 3 months from start to final acceptance of their plan.

Conclusions

This NPRM is only looking retrospectively at one aspect of the franchising process. We believe that the Commission must look to the future of the public's interest in telecommunication's services. The existing franchising process has provided a basis for public interest services appropriately tailored to each community's local needs. We believe that those services such as PEG should be required of all broadband telecommunications providers.

The local cable franchising process has functioned well in Sacramento County. As the above information indicates, we are experienced at working with cable providers, the local franchise authority, and community interests to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises can also ensure that the cable operator provides the PEG Access services which are responsive to the local community needs as determined through community needs assessments and the local knowledge of educators, local elected officials and local nonprofit organizations.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of primarily local interest.

Local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

Access Sacramento therefore respectfully requests that the Commission take this opportunity to reaffirm the primacy of local government authority over franchising and should make clear that imposition on a new entrant of PEG Access, consumer protections and other public interest services requirements that are equivalent to those of the incumbent does not constitute an unreasonable refusal to award an additional competitive franchise within the meaning of federal law.

The PEG Access model should be strengthened and applied to new technologies, assuring that localism and community participation are not displaced by commercial interests.

The nation would be well served by a policy of "Community Reinvestment" through PEG Access that includes funds and bandwidth and/or spectrum that will be used for public purposes by:

1. Allowing the local community which owns the public rights-of-way to franchise and determine the best use of the community's property;
2. Dedicating ten percent of the public airwaves and capacity on communication facilities that occupy public rights-of-way to PEG use for free speech, diverse points of view, local programs, community based education and political speech;
3. Mandating funding of five percent of gross revenues above and beyond any franchise fee to local authorities from all infrastructure and service providers and spectrum licensees to support PEG equipment, facilities, training and services; and,
4. Making PEG Access universally available to any consumer of advanced telecommunications services capable of full-motion video.

Respectfully submitted,

Access Sacramento
Channels 17 and 18

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